IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Janne Haavisto	CONF. NO.	7613
SERIAL NO.:	10/004,685	ART UNIT:	2622
FILING DATE:	12/05/2001	EXAMINER:	Lam, Hung H
TITLE:	METHOD AND DEVICE FOR DATA TRANSMISSION		
ATTORNEY DOCKET NO.:	297-010740-US(PAR)		

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Pre-Appeal Brief Request for Review

This is in response to the Final Office Action mailed October 18, 2007 in regard to the above-identified patent application. Request is made for a conference by a panel of examiners to review the appealable issues raised by the Office Action.

In the Final Office Action, Claims 1-5, 7-9, 11-13, 15-17 and 19-22 were rejected under 35 U.S.C. 103 as being unpatentable over Davis (US 7010144) in view of Gindele (US 6636646) and Milch (US 6429924), and claims 6 and 14 were rejected under 35 U.S.C. 103 as being unpatentable over Davis in view of Gindele, Milch, and Shimizu (US 6,515,271) for reasons set forth in the Office Action.

Reconsideration of the rejection of the claims is respectfully solicited in light of the following analysis.

ANALYSIS

Claims 1 and 11 are independent. Claim 1 expresses the present invention in terms of a method, and claim 11 expresses the present invention in terms of a device. Both claims express a central theme of obtaining statistical data from the processing of image data, so as to use the statistical data for adjusting an image sensor of the camera module. Upon redacting the texts of these two claims, the essential parts of the claimed subject matter may be expressed as:

(1) generating image data in the image sensor of the camera module, said image sensor comprising at least one row of pixels, and said image data comprising the data generated by said row of pixels;

(2) collecting statistical data from said image data, wherein said statistical data is suitable for processing an image to be generated;

(3) transmitting said image data and said statistical data from the camera module to the electronic device essentially at the same time; and

(4) using said statistical data for adjusting said image sensor of the camera module for generating image data for a next image.

THE POSITION OF THE EXAMINER

The examiner relies on a combination of Davis in view of Gindele and Milch for a rejection of the independent claims and numerous ones of the dependent claims. At the top of page 6 of the Office Action, the examiner notes that Davis in view of Gindele teach the provision of images and metadata, but fail to disclose explicitly statistical data. The examiner then relies on Milch to suggest statistical data. The examiner (on page 3 of the Action, top portion of the page) observes that statistical data is interpreted as brightness data and other operating parameters from a camera.

APPLICANT'S ARGUMENT

The examiner (on page 3 of the Action, top portion of the page) observes that statistical data is interpreted as brightness data and other operating parameters from a camera. It is recognized that examiners attempt to give a broad interpretation to language. However, it is urged respectfully that this interpretation goes way beyond the meaning of "statistical data", particularly when it is recognized that statistical means a mathematical process, particularly in the processing of an image to obtain certain parameters that are meaningful only in a mathematical sense, and when the processing is done by a computer with programming that employs algorithms in processing signal attributes of millions of sample points extracted from the raw data of an image to obtain the statistical data. This description of a camera applies to every digital camera that is sold today, if it is desired to obtain a reasonable good approximation to the raw data image upon utilization of reduced storage (storing four megapixels when the raw data of the image has eight megapixels) so as to save more images on a finite storage media.

The examiner mentions brightness as being an indication of statistical data. If one examines the intensity of light at each pixel, and then by use of a suitable algorithm establishes a parameter representative of the illumination of various ones of the pixels, that description of the brightness would be statistical data. But, in Milch, the metadata (as described in col. 1 at lines 35-46) includes the "photographer's technical preferences" and might even include the photographer's request that the image be rendered as a monochrome and have a sepia tint (lines 53-55). And brightness, as used by Milch, may simply be in relation to the exposure index (aperture and shutter speed) to which a camera should be set.

From such a statement in Milch, there is clearly no teaching or suggestion that one should collect statistical data from image data, as is specifically called for by present claim 1, nor that the collection of the statistical data should be done in the camera module itself, followed by a transmitting of the image data along with the statistical

data from the camera module to the electronic device, as is also called for specifically by present claim 1. The entire operation of the subject matter of the present independent claims 1 and 11 is based on the generation of statistical information from a processing of image data in the camera module, so as to enable subsequent transmission of the statistical data along with image data to an electronic device, which electronic device enables processing of received image data based on the statistical data without delay (present specification at top of page 4).

The examiner combines references to show obviousness based on the combined teaching. But the combined teaching is dependent on the teaching of Milch particularly wherein the examiner relies on Milch to show that portion of the claimed subject matter dealing with statistics. The foregoing argument shows that Milch would not direct one to perform the claimed subject matter in respect to the important aspect of the statistical processing of image data. Therefore, the combination of Milch with the other references fails to show an important aspect of the claimed subject matter.
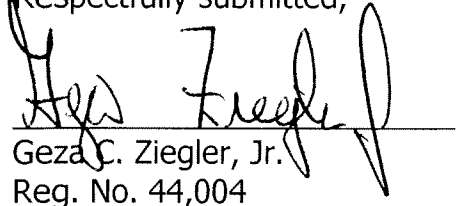
In the previous response, it was pointed out to the examiner that the Milch reference fails to disclose using the statistical data for adjusting the image sensor of the camera module for generating image data for a next image. However, the examiner persists in his opinion that Milch teaches statistics.
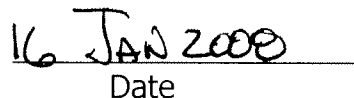
In order to show anticipation for the claimed feature "...*using the statistical data for adjusting the image sensor of the camera module for generating image data for a next image...*" the examiner cites a passage of Milch, which in a very general way explains what kinds of data can be used as image-related metadata. The examiner omits completely that the claim defines how the image sensor is a part of the camera module, i.e. a part of the module that **generates** the image data, not something that would **reproduce** the image. Taking into account that the image sensor has been so tightly defined, it is not seen how Milch supports the examiner's interpretation of

Milch. The Examiner's statement could be condensed as "the concept of metadata is known from Milch, so it would be obvious to use statistical data from the image data to adjust the sensor that produced said image data." But this is not the case. Metadata is used in the sense that Milch discloses something that travels with the image data to somewhere else, where it can be used for whatever purpose is desired. In prior art solutions like that of Milch, there is simply nothing about adjusting the image sensor that generates the digital image, at least not by using statistical data derived from the previous image data.

Accordingly, the rejection of the examiner should be reversed so as to find allowable subject matter in the claims.

Respectfully submitted,

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